

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- November 16, 1966

Appeal No. 9019 Angelina and Dino Formant, appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. William F. McIntosh not participating, the following Order was entered at the meeting of the Board on November 29, 1966.

EFFECTIVE DATE OF ORDER -- Jan. 13, 1967

ORDERED:

That the appeal for a variance from the minimum area requirements of the R-4 District to permit erection of two single-family dwellings at 800-802 D Street, SE., lot 821, square 924, be granted conditionally.

FINDINGS OF FACT:

(1) Appellant's property is located in an R-4 District and has an area of approximately 3,000 square feet.

(2) The representative appearing stated that he was the contract purchaser of the property, subject to a favorable decision of the Board.

(3) It is proposed to erect two 3-story single-family dwellings on the property, each having a frontage of 20 feet on D Street, SE.

(4) It was stated that one of the sites would have an area of 1,572 square feet and the other an area of 1,550 square feet. Both houses would provide off-street parking in the rear of the dwelling.

(5) According to the drawings submitted at the hearing, access to the parking space for one of the dwellings is obtained by crossing the rear portion of the adjacent lot.

(6) Minimum lot dimensions for dwellings in the R-4 District are 1,800 square feet in area and 18 feet in width.

(7) The Capitol Hill Restoration Society favors the granting of this appeal. No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

Although appellants' lot deviates from the requirements for lots in the R-4 District, the Board concludes that the granting of this appeal will not be detrimental to the surrounding area and will be consistent in width and area with other improved lots in the neighborhood.

Further, we are of the opinion that appellants have proved a hardship within the meaning of the variance clause of the Zoning Regulations, and that failure to grant the requested relief will prevent a reasonable use of the property as zoned. The granting of this appeal will not adversely affect the use of neighboring property nor impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and maps.

This Order shall be subject to the following condition:

A covenant shall be provided by appellants to insure an access easement across the rear of what is called Lot 21 in Exhibit No. 10. Such covenant shall run for so long as the improvements on Lot 22 exist or so long as the off-street parking space is required by the Zoning Regulations.